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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Pittsburgh School Police	)	File No.: EB-FIELDNER-13-00012950
	)	
Licensee of Private Land Mobile Station WPWB211	)	NOV No.: V201432400010
	)	
Pittsburgh, Pennsylvania	)	
	)	

**NOTICE OF VIOLATION**

**Released: January 16, 2014**

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Pittsburgh School Police, licensee of Private Land Mobile Radio Station WPWB211 in Pittsburgh, Pennsylvania. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On December 19, 2013, agents of the Enforcement Bureau's Philadelphia Office inspected Station WPWB211 located at 150 Meridan Street, Pittsburgh, Pennsylvania, and observed the following violations:

- a. 47 C.F.R. § 1.903(a): "*General rule.* Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section." At the time of the inspection, the agents found Pittsburgh School Police operating a fixed repeater station near the coordinates 40° 25' 41" North Latitude, 80° 0' 35" West Longitude, at the Whittier Elementary School in Pittsburgh, Pennsylvania. The license for Station WPWB211 authorizes the use of a fixed repeater station at the coordinates 40° 26' 10" North Latitude, 80° 1' 6" West Longitude. Station WPWB211 is operating at a location 0.7 miles from the location authorized in its license. In addition, Pittsburgh School Police was operating on the frequency 471.2875 MHz. The license for Station WPWB211 only

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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authorizes Pittsburgh School Police to transmit on the frequency 471.4875 MHz. In addition, Pittsburgh School Police was transmitting digital emissions on the frequency 471.2875 MHz. The license for Station WPWB211 only authorizes FM narrowband analog voice emissions (F3E) on the frequency 471.4875 MHz. The F3E class of emission does not authorize digital transmissions.

- b. 47 C.F.R. § 90.425(a): “Each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section.” The agents monitored the station between the times 9:30 AM and 10:30 AM and determined that Pittsburgh School Police failed to identify WPWB211 once each 15 minutes during that time period.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Pittsburgh School Police must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Pittsburgh School Police to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Pittsburgh School Police with personal knowledge of the representations provided in Pittsburgh School Police response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

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<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to Pittsburgh School Police at its address of record.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
District Director  
Philadelphia Office  
Northeast Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).